

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ROBBIE AUTERY and SHANE  
FULMER,**

**Plaintiffs,**

**v.**

**KEVIN DAVIS, in his official capacity  
as Sheriff of Chilton County, Alabama,  
and individually,**

**Defendant.**

**CIVIL ACTION NO.:  
2:08-CV-41-WC**

**DEFENDANT'S EVIDENTIARY SUBMISSION  
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

COMES NOW the Defendant, Kevin Davis, in his official capacity as Sheriff of Chilton County, Alabama, and individually, and make the following Evidentiary Submission in support of the Motion for Summary Judgment contemporaneously filed herein.

- 1 Exhibit "A", Deposition excerpts of Shane Fulmer
- 2 Exhibit "B", The Affidavit of Shane Mayfield
- 3 Exhibit "C", Deposition excerpts of Robbie Autery
4. Exhibit "D", Deposition excerpts of Kevin Davis
5. Exhibit "E", The Affidavit of Michael Poe
6. Exhibit "F", The Affidavit of Steve Tate
7. Exhibit "G", The Affidavit of Greg Pappas
8. Exhibit "H", The Affidavit of Clanton Advertiser Publisher
9. Exhibit "I", State Court Complaint

/s/ C. Winston Sheehan, Jr.

C. WINSTON SHEEHAN (SHE 013)

Attorneys for Defendant Kevin Davis

/s/ Allison Alford Ingram

ALLISON ALFORD INGRAM (ALF005)

Attorneys for Defendant Kevin Davis

/s/ John W. Marsh

JOHN W. MARSH (MAR173)

Attorneys for Defendant Kevin Davis

OF COUNSEL:

**BALL, BALL, MATTHEWS & NOVAK, P.A.**

2000 Interstate Park Drive, Suite 204

Post Office Box 2148

Montgomery, Alabama 36102-2148

Phone: (334) 387-7680

Fax: (334) 387-3222

**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2008, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following registered persons and that those persons not registered with the CM/ECF system were served by U.S. mail:

Hon. William E. Rutledge  
Hon. Gregory F. Yaghmai  
RUTLEDGE & YAGHMAI  
3800 Colonnade Parkway, Suite 490  
Birmingham, Alabama 35243  
[williamerutledge@aol.com](mailto:williamerutledge@aol.com)  
[yaghmai@rylaw.net](mailto:yaghmai@rylaw.net)

/s/ C. Winston Sheehan, Jr.

OF COUNSEL

/s/ Allison Alford Ingram

OF COUNSEL

/s/ John W. Marsh

OF COUNSEL

# **EVIDENTIARY SUBMISSION**

# **EXHIBIT**

## **A**

FREEDOM COURT REPORTING

Page 1

IN THE CIRCUIT COURT OF  
CHILTON COUNTY, ALABAMA  
CIVIL ACTION NO.: CV-2007-900130

ROBBIE AUTERY and  
SHANE FULMER,

Plaintiffs,

VS.

KEVIN DAVIS, in his  
official capacity as  
Sheriff of Chilton County,  
Alabama, and individually;

Defendant.

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION  
CIVIL ACTION NO.: 2:08-CV-41-WC

ROBBIE AUTERY and  
SHANE FULMER,

Plaintiffs,

VS.

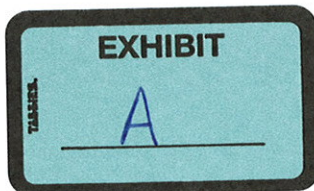
KEVIN DAVIS, in his  
official capacity as  
Sheriff of Chilton County,  
Alabama, and individually;

Defendant.

DEPOSITION OF SHANE FULMER

STIPULATIONS

IT IS STIPULATED AND



367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## FREEDOM COURT REPORTING

Page 2

1 AGREED, by and between the parties,  
2 through their respective counsel,  
3 that the deposition of SHANE FULMER  
4 may be taken before Karen Davis, CCR,  
5 Commissioner, State of Alabama at  
6 Large, at the Chilton County  
7 Courthouse, 200 2nd Avenue North,  
8 Clanton, Alabama, on the 16th day of  
9 May, 2008, commencing at or about  
10 11:40 a.m.

11 IT IS FURTHER STIPULATED  
12 AND AGREED that the reading and  
13 signature to the deposition by the  
14 witness is waived, said deposition to  
15 have the same force and effect as if  
16 full compliance had been had with all  
17 laws and rules of court relating to  
18 taking of depositions.

19 IT IS FURTHER STIPULATED  
20 AND AGREED that it shall not be  
21 necessary for any objections to be  
22 made by counsel as to any questions,  
23 except as to form or leading

FREEDOM COURT REPORTING

Page 3

1 questions, and that counsel for the  
2 parties may make objections and  
3 assign grounds at the time of the  
4 trial, or at the time said deposition  
5 is offered in evidence, or prior  
6 thereto.

7 IT IS FURTHER STIPULATED  
8 AND AGREED that notice of filing of  
9 the deposition by the Commissioner is  
10 waived.

FREEDOM COURT REPORTING

Page 15

1 Q. Who did you work for  
2 prior to Jemison Police Department?

3 A. Chilton County Sheriff's  
4 Department.

5 Q. And when did you go to  
6 work for the Chilton County Sheriff's  
7 Department?

8 A. January 19th, 1999.

9 Q. When did you, or did you,  
10 apply for any positions other than  
11 the Jemison Police Department?

12 A. Between my termination  
13 and--- and employment with Jemison or  
14 any time?

15 Q. Even before your  
16 termination. After your father was  
17 not elected sheriff.

18 A. I have applied for a  
19 special agent job with the state of  
20 Alabama in the Finance Commission  
21 Agency, and I have applied for an  
22 investigations position with the  
23 Alabama Power Company.

FREEDOM COURT REPORTING

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1           A.       You're not going to go  
2 all over town talking about me.  
3 Badmouthing me. Undermining me or my  
4 department.

5           Q.       Had you done any of that?

6           A.       No, sir.

7           Q.       Had you spoken critically  
8 of Sheriff Davis?

9           A.       There were things said  
10 and--- and I even told Sheriff Davis.  
11 He asked me or told me that he knew  
12 things that had been said, naturally,  
13 before the election, after the  
14 election.

15          Q.       So the question is, had  
16 you badmouthed Sheriff Davis.

17                   MR. YAGHMAI: Object to  
18 the form. You can answer.

19          A.       Not to the extent that he  
20 was insinuating.

21          Q.       In other words, you had  
22 been critical of Sheriff Davis to  
23 people on the street?

FREEDOM COURT REPORTING

Page 58

1           A.       Not to the extent he was  
2       insinuating.

3           Q.       Well, what if any  
4       criticisms had you expressed of  
5       Sheriff Davis before you were  
6       terminated?

7           A.       That he was being  
8       vindictive to me. I didn't  
9       appreciate it. I took pride in my  
10      job, in my career.

11          Q.       Who did you tell that to?

12          A.       I know I did to Deputy  
13      Autery.

14          Q.       Who else did you talk to  
15      about Sheriff Davis in a critical  
16      vein?

17          A.       I'm expressing my  
18      personal experiences. I don't  
19      consider them to be critical.

20          Q.       Had you complained to  
21      anyone about Sheriff Davis before  
22      your termination?

23          A.       Myself and Mike Poe

FREEDOM COURT REPORTING

Page 81

1 A. Yes, sir. Yes, sir.

2 Q. And he took office in  
3 January of 2007?

4 A. That's correct.

5 Q. Did Mr. Autery seek  
6 employment anywhere?

7 A. I don't recall. I don't  
8 have any knowledge of that.

9 Q. Do you attend church?

10 A. No, sir.

11 Q. All right. Have you---  
12 did you contribute to your father's  
13 campaign?

14 A. Yes, sir.

15 Q. And how much?

16 A. You mean financially?

17 Q. Please.

18 A. No, sir. If you want to  
19 count gas money, yeah.

20 Q. Did you campaign for your  
21 father door to door as did Mr.  
22 Autery?

23 A. Yes, sir.

# **EXHIBIT**

## **B**

**IN THE UNITED STATES DISTRICT COURT  
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NORTHERN DIVISION**

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**Plaintiffs,**

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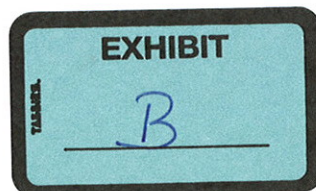
**AFFIDAVIT OF SHANE MAYFIELD**

Before me, the undersigned authority, on this day personally appeared Shane Mayfield, who being by me first duly sworn, deposed and stated upon his oath the following:

1. My name is Shane Mayfield. I am over the age of 21 years, and I have personal knowledge of the information contained in this Affidavit.

2. I have been in the law enforcement field for approximately fourteen and one half (14.5) years. At all material times hereto, I was the Chief Deputy in the Office of the Sheriff of Chilton County. Prior to serving as Chief Deputy for Sheriff Kevin Davis, I served as Chief Deputy under former Sheriff Billy Wayne Fulmer.

3. Sheriff Davis charged me as the Chief Deputy with the responsibility of maintaining good order and discipline in the Sheriff's office. Upon Sheriff Kevin Davis' taking office, he and I met to assess, review and evaluate the Office of the Sheriff of Chilton County and its employees. Sheriff Kevin Davis and I reviewed all employees and I advised him of their strengths and weaknesses, and other relevant information based on my personal knowledge.



4. I advised Sheriff Davis of reports that Captain Shane Fulmer was not adequately performing his job duties as supervisor of the Investigations Unit under the former Sheriff. I had worked with Shane Fulmer in investigations when he worked for former Sheriff Fulmer, and had observed his work habits. I noted that Shane Fulmer did not assume responsibility nor initiate investigations as I would have preferred, but his father was the then Sheriff, and I had very little, if any, control over Shane Fulmer. I warned Sheriff Davis that he could expect difficulties in trying to manage the former Sheriff's relatives given the reports that Billy Wayne Fulmer intended to seek election to his former position as Sheriff of Chilton County in 2010.

5. After Sheriff Kevin Davis took office in January of 2007, I received numerous reports about conduct that was creating dissention and mistrust among our employees. On several occasions, Sergeant Mike Poe, an investigator, told me that Captain Shane Fulmer was not working cases in the Investigations Unit. Sergeant Poe asked me as Chief Deputy to assign someone who would actually assist with the day-to-day operations of the Investigations Unit. I relayed this information to Sheriff Kevin Davis.

6. After he took office, Sheriff Davis and I also discussed Deputy Robbie Autery, who was related to former Sheriff Billy Wayne Fulmer. I explained that Robbie Autery had been given preferential treatment by Sheriff Billy Wayne Fulmer. I noted that Robbie Autery preferred patrolling the Interstate highway which runs through Chilton County rather than patrolling the entire county. Sheriff Davis told me that he had campaigned for Sheriff of Chilton County on the platform that the entire county needed to be patrolled and not just the Interstate highway. I recommended to Sheriff Davis that Robbie Autery be directed to patrol the entire county rather than merely the Interstate highway. Sheriff Davis authorized me to instruct Deputy Robbie Autery to cease patrolling only the Interstate, which I did.

7. I also advised Sheriff Davis that there had been complaints from citizens that Robbie Autery was driving his Sheriff's patrol car home to Alabaster, Shelby County, and I recommended that this practice be eliminated because the citizens of Chilton County did not want to see their tax dollars being used to maintain and fuel patrol cars in another county. I met with Robbie Autery on several occasions and directed Robbie Autery to cease patrolling only the interstate and to cease using the Sheriff's patrol car to drive back and forth to work.

8. I advised Sheriff Kevin Davis that Deputy Robbie Autery had continued to complain about Sheriff Davis' decision not to allow Deputy Autery to drive his patrol car back and forth from his home in Alabaster, AL (Shelby County) to work in Chilton County. In addition, I told Sheriff Davis of Autery's repeated disdain for Sheriff Davis' policy of not allowing a deputy to patrol only Interstate 65 in Chilton County. Sheriff Davis and I determined that the Office of Sheriff should be responsible for covering the entirety of Chilton County and that all deputies should share this responsibility equally.

9. After issuing these directives to Robbie Autery and Shane Fulmer, I repeatedly heard of complaints by both officers. I reported to Sheriff Davis that I was concerned that due to the repetitive nature of the complaints, that there was a morale problem in the office. Sheriff Davis told me that he wanted to work with both of these officers, if possible. In law enforcement, however, closeness and cooperation between a sheriff and his deputies is vital and necessitates that a sheriff have absolute authority over implementation of goals, policies and procedures. In addition, in the business of law enforcement, it is important for officers to be able to rely upon one another and, when called upon, to back up their fellow officers. Deputy Robbie Autery's constant complaints about his displeasure with Sheriff Davis' interstate policy were affecting his performance on the job and had a negative impact on the morale in and efficiency of the Office

of Sheriff of Chilton County. I was concerned based upon the actions of both Robbie Autery and Shane Fulmer that there would be a security problem as long as they were employed by Sheriff Davis. I recommended to Sheriff Davis that both Robbie Autery and Shane Fulmer be terminated due to their negative effect on morale in the office as well as my concern for the safety of other officers who supported Sheriff Davis.

  
SHANE MAYFIELD

STATE OF ALABAMA            )  
  )  
CHILTON COUNTY            )

SWORN TO and SUBSCRIBED before me on this the 28<sup>th</sup> day of May, 2008.

  
NOTARY PUBLIC  
My Commission Expires: 9/22/08

# **EXHIBIT**

## **C**

FREEDOM COURT REPORTING

Page 1

IN THE CIRCUIT COURT OF  
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DEPOSITION OF ROBBIE AUTERY

STIPULATIONS

IT IS STIPULATED AND



367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## FREEDOM COURT REPORTING

Page 2

1 AGREED, by and between the parties,  
2 through their respective counsel,  
3 that the deposition of ROBBIE AUTERY  
4 may be taken before Karen Davis, CCR,  
5 Commissioner, State of Alabama at  
6 Large, at the Chilton County  
7 Courthouse, 200 2nd Avenue North,  
8 Clanton, Alabama, on the 16th day of  
9 May, 2008, commencing at or about  
10 9:03 a.m.

11 IT IS FURTHER STIPULATED  
12 AND AGREED that the reading and  
13 signature to the deposition by the  
14 witness is waived, said deposition to  
15 have the same force and effect as if  
16 full compliance had been had with all  
17 laws and rules of court relating to  
18 taking of depositions.

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FREEDOM COURT REPORTING

Page 3

1 questions, and that counsel for the  
2 parties may make objections and  
3 assign grounds at the time of the  
4 trial, or at the time said deposition  
5 is offered in evidence, or prior  
6 thereto.

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8 AND AGREED that notice of filing of  
9 the deposition by the Commissioner is  
10 waived.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

FREEDOM COURT REPORTING

Page 9

1 A. October the 14th, 2007.

2 Q. And your supervisor?

3 A. I guess that would be my  
4 corporal or--- my immediate  
5 supervisor would be Corporal Martin.

6 Q. And how did you find out  
7 about the position at the Alabama  
8 Department of Public Safety?

9 A. Through a family member.

10 Q. Who was?

11 A. Billy Fulmer.

12 Q. And that's Billy Wayne  
13 Fulmer?

14 A. Yes, sir. Billy Wayne  
15 Fulmer, Jr.

16 Q. And when did you find out  
17 about the position?

18 A. He had been talking to me  
19 for awhile about maybe coming to the  
20 state troopers, so probably---

21 Q. Approximately.

22 MR. YAGHMAI: Nobody  
23 wants you to guess, but to the best

FREEDOM COURT REPORTING

Page 18

1 MR. SHEEHAN: I'll mark  
2 that.

3 MR. YAGHMAI: Okay. That  
4 will be Exhibit No. 1.

5 (Whereupon the document  
6 is marked D-1 for identification by  
7 the reporter).

8 Q. Let me show you what's  
9 been marked Defendant's Exhibit No. 1  
10 and ask you, can you tell me what  
11 that is?

12 A. This is a letter from the  
13 Personnel Manager, Ms. Brasher, and  
14 it's saying that I was hired, I  
15 believe part time, October the 3rd,  
16 2005. I began to work full time with  
17 the Sheriff's Department on June the  
18 19th, when I was terminated on  
19 September the 10th, 2007.

20 MR. YAGHMAI: June 19th  
21 was 2006?

22 A. June 19th was 2006. I'm  
23 sorry.

FREEDOM COURT REPORTING

Page 21

1 I wasn't employed.

2 MR. YAGHMAI: Are you  
3 asking at any point did he work for  
4 Sheriff Fulmer?

5 MR. SHEEHAN: Yes.  
6 That's a good question.

7 MR. YAGHMAI: At any  
8 point did you work for Sheriff  
9 Fulmer?

10 THE DEPONENT: Not on the  
11 payroll. I was a reserve deputy  
12 before I came on the payroll.

13 MR. YAGHMAI: Sorry. I  
14 didn't mean to interrupt.

15 MR. SHEEHAN: That's a  
16 good question.

17 Q. So the first time you  
18 worked for the Chilton County  
19 Sheriff's Department was under  
20 Sheriff Kevin Davis?

21 A. No, sir. Billy Wayne  
22 Fulmer.

23 Q. When did you go to work

FREEDOM COURT REPORTING

Page 22

1 with Billy Wayne Fulmer as Sheriff?

2 A. October the 3rd, 2005 as  
3 a part-time position.

4 Q. What did you do while  
5 working under Sheriff Fulmer?

6 A. As a part-time position,  
7 would fill in vacancies.

8 Q. And what were your duties  
9 and responsibilities?

10 A. Regular routine patrol.  
11 Answering calls and assisting  
12 citizens.

13 Q. The same thing you did  
14 when you went to work for Sheriff  
15 Davis.

16 A. Yes.

17 Q. Fair enough. So that I'm  
18 clear then, your duties did not  
19 change after Sheriff Davis took  
20 office?

21 A. My overall job  
22 description, no, sir.

23 Q. I think I'm

FREEDOM COURT REPORTING

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1 A. Yes, sir.

2 Q. And to whom?

3 A. Deputy Chief Mayfield.

4 Q. You told us about what he  
5 had to say about your complaint about  
6 Shane Fulmer.

7 A. No, sir. This is--- this  
8 is on the complaint to where I wasn't  
9 able to drive my patrol car home.

10 Q. I'm sorry. Did you take  
11 the complaint about Shane Fulmer  
12 being courthouse security to Captain  
13 Tate?

14 A. No, sir. I never did  
15 formally take that anywhere. That  
16 was just a conversation among  
17 coworkers.

18 Q. You've identified those  
19 coworkers that you discussed that  
20 complaint with?

21 A. Yes, sir. I mean  
22 everybody was--- was basically just  
23 saying that they saw that--- they

FREEDOM COURT REPORTING

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1 felt like it was a political reason.

2 Q. Who was it that said that  
3 they felt it was political reasons?

4 A. Mike Poe. Champ Benson.  
5 Charlie Sanders. Gerald Purvis.  
6 Shane Aldridge. Steve Tate. Who  
7 else? That's all I can recall  
8 amongst my coworkers.

9 Q. So that I'm clear then,  
10 you didn't take the complaint about  
11 Shane Fulmer going to Courthouse  
12 Security up the chain of command.

13 A. No, sir.

14 Q. I'm sorry, did you take  
15 your concern about Shane Fulmer up  
16 the chain of command?

17 A. No, sir.

18 Q. The only complaint you  
19 took up the chain of command was  
20 about---

21 A. The patrol vehicle.

22 Q. Thank you. So now you've  
23 told us--- help me: What did you

FREEDOM COURT REPORTING

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1 Q. Okay. Did you bring the  
2 issue back up with anyone?

3 A. I'm sure I did. I don't  
4 recall who all I talked to about it  
5 but I'm sure I did.

6 Q. Who was the next person  
7 you spoke with?

8 A. I don't even recall.

9 Q. Okay. What was the next  
10 thing that happened?

11 A. I'm trying to think.

12 MR. YAGHMAI: When we get  
13 to a good stopping point, can we take  
14 a quick break?

15 MR. SHEEHAN: Sure.  
16 Let's just finish this line of  
17 questioning.

18 A. When you say the last  
19 thing that happened, in regards to  
20 what?

21 Q. This issue about you not  
22 being able to drive your car. And  
23 the follow-up about---

FREEDOM COURT REPORTING

Page 102

1 A. Yes, sir.

2 Q. And that's all you did?

3 A. Yes, sir.

4 Q. You didn't work through  
5 the chain of command?

6 A. No, sir.

7 Q. Other than Sherry Tate,  
8 did you tell anyone else about this  
9 unethical conduct by Kevin Davis?

10 A. There was several  
11 employees that discussed I guess  
12 purchasing the dogs through Central  
13 Alabama K9.

14 Q. Who was that, sir?

15 A. Mike Poe. I even  
16 mentioned it to Captain Steve Tate.  
17 All these were like--- there wasn't  
18 no meeting or anything like that. It  
19 was just like informal, like just a  
20 group of guys.

21 Q. When did you have this  
22 discussion with Mike Poe?

23 A. It will be sometime

## FREEDOM COURT REPORTING

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1 come outside. Before I could say  
2 anything to him, he said I need to  
3 see you. He and I come up here to  
4 the courthouse in his office and he  
5 told me that he had heard I was  
6 talking about him on the street, and  
7 he wasn't going to tolerate it no  
8 more. And I told him, I said, well,  
9 the issue at hand was I couldn't get  
10 out on my radio and I told them that  
11 I was going to come talk to you. He  
12 said yeah, they told me you said  
13 that. I said yes, sir, that's why I  
14 come down here, to talk to you,  
15 because we've got to do something  
16 about the radio system. And he said,  
17 well, if you would have just asked, I  
18 would have told you. And he threw me  
19 a piece of paper that had a quote or  
20 something where they were trying to  
21 get an RF-repeater. And he said  
22 there again, you know, somebody from  
23 the fire department or somewhere up

FREEDOM COURT REPORTING

Page 150

1 basically.

2 Q. Have you now told me  
3 everything that was said at that  
4 meeting on September the 10th?

5 A. Basically an overview.

6 Q. Is there anything else?

7 A. I can't say word for word  
8 exactly what was--- but that's  
9 basically the way it is.

10 Q. Have you spoken to  
11 Sheriff Davis since?

12 A. Since I've been fired?  
13 No, sir.

14 Q. Who did you support in  
15 the election for the Sheriff of  
16 Chilton County?

17 A. Billy Wayne Fulmer.

18 Q. And why?

19 A. He's family. Also, he  
20 had been doing a good job. And I  
21 explained to the sheriff, when  
22 Sheriff Davis told me that he was  
23 going to run for sheriff, I told him

FREEDOM COURT REPORTING

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1 then I was going to support Billy  
2 Wayne.

3 Q. Did you contribute any  
4 money to Sheriff Fulmer's campaign?

5 A. No, sir.

6 Q. Did you work in his  
7 campaign to have Sheriff Fulmer  
8 elected --

9 A. Yes, sir.

10 Q. -- Sheriff? How did you  
11 work on behalf of Sheriff Fulmer?

12 A. One day I went door to  
13 door just asking for support to  
14 re-elect Billy Wayne Fulmer.

15 Q. What day was that, sir?

16 A. During the election. I  
17 can't recall what month or what day.

18 Q. Was it a full day?

19 A. I guess it was from that  
20 morning until lunchtime.

21 Q. What area did you go to?

22 A. It was here in Clanton.

23 Q. Which area in Clanton?

# **EXHIBIT**

## **D**

FREEDOM COURT REPORTING

Page 1

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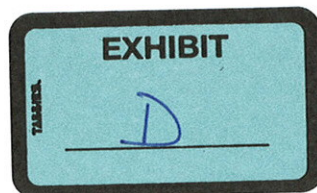
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Alabama, and individually;

Defendant.

DEPOSITION OF KEVIN DAVIS

STIPULATIONS

IT IS STIPULATED AND AGREED,



367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

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## FREEDOM COURT REPORTING

Page 2

1 by and between the parties, through  
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4 taken before Karen Davis, CCR,  
5 Commissioner, State of Alabama at  
6 Large, at the Chilton County  
7 Courthouse, 200 2nd Avenue North,  
8 Clanton, Alabama, on the 16th day of  
9 May, 2008, commencing at or about  
10 2:15 p.m.

11 IT IS FURTHER STIPULATED  
12 AND AGREED that the reading and  
13 signature to the deposition by the  
14 witness is waived, said deposition to  
15 have the same force and effect as if  
16 full compliance had been had with all  
17 laws and rules of court relating to  
18 taking of depositions.

19 IT IS FURTHER STIPULATED  
20 AND AGREED that it shall not be  
21 necessary for any objections to be  
22 made by counsel as to any questions,  
23 except as to form or leading

FREEDOM COURT REPORTING

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1 questions, and that counsel for the  
2 parties may make objections and  
3 assign grounds at the time of the  
4 trial, or at the time said deposition  
5 is offered in evidence, or prior  
6 thereto.

7 IT IS FURTHER STIPULATED  
8 AND AGREED that notice of filing of  
9 the deposition by the Commissioner is  
10 waived.

FREEDOM COURT REPORTING

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1 A. Kevin Davis.

2 Q. What's your address?

3 A. It's 430 County Road 909,  
4 Clanton, Alabama, 35046.

5 Q. And where are you  
6 currently employed?

7 A. I'm the Sheriff of  
8 Chilton County.

9 Q. Prior to being the  
10 Sheriff of Chilton County, where did  
11 you work?

12 A. I worked at Maplesville  
13 Police Department.

14 Q. And what was your  
15 position there?

16 A. I was Chief of Police.

17 Q. How long were you the  
18 Chief out there at Maplesville?

19 A. Somewhere between a year  
20 and a year and a half.

21 Q. Were you in a different  
22 position at Maplesville before  
23 becoming the Chief?

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1 A. Yes, sir.

2 Q. And what was that?

3 A. I was a Narcotics K9  
4 Officer.

5 Q. How long were you a  
6 Narcotics K9 Officer?

7 A. Somewhere between three  
8 and four years.

9 Q. Prior to being a  
10 Narcotics K9 Officer at Maplesville,  
11 did you occupy another position while  
12 you were there at Maplesville?

13 A. I helped out some with  
14 the Volunteer Fire Department there,  
15 but that's---

16 Q. Prior to working at  
17 Maplesville, were you involved in law  
18 enforcement?

19 A. Yes, sir.

20 Q. Where was that?

21 A. At the Sheriff's Office  
22 here in Chilton County.

23 Q. And what time frame are

FREEDOM COURT REPORTING

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1 we talking about then?

2 A. More than four years ago.

3 Q. All right. Well, how  
4 long were you involved at Chilton  
5 County the first time you were here?

6 A. Approximately six years.

7 Q. And what was your job  
8 with Chilton County then?

9 A. I was a Deputy Sheriff.

10 Q. So when did you start  
11 working for Chilton County?

12 A. Probably around--- it was  
13 in January of either--- January of  
14 '97, I think it was. Either '96 or  
15 '97. I know it was January of '96 or  
16 '97.

17 Q. And prior to working in  
18 Chilton County in '96 or '97, were  
19 you in law enforcement?

20 A. Yes, sir.

21 Q. And where was that?

22 A. At Maplesville Police  
23 Department.

FREEDOM COURT REPORTING

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1 Q. At where?

2 A. Maplesville.

3 Q. And when was that from?

4 A. From the time I graduated  
5 the Academy until I took the job at  
6 the Sheriff's Office.

7 Q. When did you graduate the  
8 Academy?

9 A. '94? Around the summer  
10 of '94.

11 Q. All right. So prior to  
12 going to the Academy, what was your  
13 educational background?

14 A. High school education.

15 Q. Where did you graduate  
16 from high school?

17 A. Isabella High School.

18 Q. While you were in high  
19 school, were you employed or involved  
20 with law enforcement?

21 A. I worked for the town of  
22 Maplesville, but it was not law  
23 enforcement then.

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1       them, no, sir.

2               Q.       Did you have any  
3       communications when you first came  
4       into office in '07 with the Chief  
5       Deputy about the personnel in the  
6       Sheriff's Department?

7               A.       Yes, sir.

8               Q.       And when would that have  
9       been; before you actually got sworn  
10      in or after you got sworn in?

11              A.       It would have been,  
12      probably, if I remember right, it was  
13      right before I was sworn in.

14              Q.       All right. Can you tell  
15      me what the time frame is when your  
16      victory was actually certified? Do  
17      you remember what date that was?

18              A.       I don't remember.

19              Q.       Do you remember what  
20      month it was?

21              A.       It was all over in  
22      December.

23              Q.       All right. So in

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1 December of '06, your victory had  
2 been certified, correct?

3 A. Right.

4 Q. And when did you actually  
5 get sworn in?

6 A. I think it was January  
7 the 17th. It may be a day or two  
8 off, but I think it was the 17th of  
9 January '07.

10 Q. Somewhere in that time  
11 frame from December '06 to January  
12 17th of '07, that's when you talked  
13 with Chief Deputy Mayfield --

14 A. Right.

15 Q. -- about personnel  
16 decisions?

17 A. Right.

18 Q. Where did this  
19 conversation take place?

20 A. In the chief's office, or  
21 in the--- it was Sheriff Fulmer's  
22 office at the time, at the jail.

23 Q. After you had been

FREEDOM COURT REPORTING

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1 certified as the victor to Sheriff  
2 Fulmer, did y'all talk anything about  
3 your transition of becoming sheriff?

4 A. Yes, sir.

5 Q. Tell me about those  
6 conversations.

7 A. Me and Sheriff Fulmer  
8 talked several times about, you know,  
9 just make--- making transition.

10 Q. I mean he wasn't being  
11 bitter or difficult, was he, about  
12 the transition?

13 A. No, sir.

14 Q. In your opinion, was he  
15 trying to be helpful about you coming  
16 in to be the Sheriff?

17 A. I think it went very  
18 well, the transition.

19 Q. And did he make a  
20 recommendation or suggestion to you  
21 to meet with Chief Deputy Mayfield  
22 and discussion whatever issues you  
23 may deem necessary?

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1           A.       No, sir. I knew the  
2       quality of Robbie's work for myself.

3           Q.       So it was good quality,  
4       correct?

5           A.       Yes.

6           Q.       And at that point you  
7       didn't have any issue with Robbie  
8       working the Interstate?

9           A.       Yes, sir. I had a  
10      problem with it.

11          Q.       As soon as you walked in  
12      the door you did?

13          A.       Yes, sir.

14          Q.       Why is that?

15          A.       Because in our county,  
16      one of the things that I campaigned  
17      on is that we would be a--- a  
18      countywide law enforcement agency,  
19      not just the Interstate. And that I  
20      had--- that, you know, we were going  
21      to patrol the whole county, not just  
22      stay on the Interstate and catch  
23      calls from the Interstate. And that

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1 was my issue. It didn't have  
2 anything personal to do with Robbie.  
3 It wasn't just Robbie on the  
4 Interstate. It was multiple people.

5 Q. Who else was on the  
6 Interstate that you had a problem  
7 with?

8 MR. SHEEHAN: Object to  
9 the form.

10 A. I mean anyone that was  
11 out there.

12 Q. Well, who else was out  
13 there that you were having the issues  
14 with? You identified Robbie Autery  
15 as having an issue with him when you  
16 first walked through the door.

17 MR. SHEEHAN: Excuse me.

18 A. My alarm went off. Sorry  
19 about that.

20 Q. Do you need to check on  
21 it?

22 A. No.

23 Q. Who else did you have an

FREEDOM COURT REPORTING

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1 A. No. It was before that.

2 Q. Were they there at that  
3 meeting?

4 A. Yes, sir.

5 Q. Both of them?

6 A. Yes, sir.

7 Q. When you were going down  
8 this list with Chief Deputy Mayfield,  
9 did you all discuss Shane Fulmer?

10 A. Yes, sir.

11 Q. Tell me about that  
12 discussion.

13 A. We just--- he was one of  
14 the guys that we discussed. You  
15 know, we were going down the names.  
16 A list of--- he was basically telling  
17 me what everybody does at the  
18 Sheriff's Office.

19 Q. What did he tell you that  
20 Shane Fulmer did?

21 A. He told me he was over  
22 the General Investigations and the---  
23 and the Task Force.

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1 Q. He didn't say anything  
2 bad about the way he did his job, did  
3 he?

4 A. He said he didn't work.

5 Q. He said he didn't work?

6 A. Yes, sir.

7 Q. How did he not work?

8 A. He don't carry his work  
9 load, is what the chief had  
10 explained.

11 Q. And did you ask him to  
12 elaborate on how he didn't keep his  
13 work load?

14 A. He just said he, you  
15 know, he was in General  
16 Investigations, didn't work no cases  
17 in Investigations and was on the Task  
18 Force and didn't work no drug cases.

19 Q. So according to Chief  
20 Deputy Mayfield, said he had actually  
21 zero cases that he worked on.

22 A. He didn't say zero.

23 Q. Well, if he's not no case

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1 sure that everything is done properly  
2 to follow what you wanted to follow,  
3 which was the merit bill, correct?

4 MR. SHEEHAN: Object to  
5 the form.

6 A. Yes, sir.

7 Q. And what did the County  
8 Attorney tell you?

9 A. The County Attorney told  
10 me that there was not a merit system  
11 for the County until that board was  
12 put in place.

13 Q. And did he explain to you  
14 why?

15 A. He said there was no  
16 merit board. He said without a merit  
17 board, it went back to the state law  
18 that says the deputy sheriff works at  
19 the sheriff's discretion.

20 Q. Did you ask him how do we  
21 go about getting the board appointed?

22 A. Yes, sir.

23 Q. You told him, I want to

FREEDOM COURT REPORTING

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1 A. Not to my knowledge.

2 Q. And why is that?

3 A. I felt like I had done  
4 went and asked.

5 Q. Was it also the thought  
6 that in your mind that gave you the  
7 green light to fire whoever you  
8 wanted to without following this  
9 merit bill?

10 A. That's not correct.

11 Q. You started people that;  
12 didn't you? You started telling some  
13 of the sheriff's deputies, hey, there  
14 is no merit board, there is no merit  
15 bill, I can fire whoever I want to.

16 MR. SHEEHAN: Object to  
17 the form.

18 A. No, I didn't go around  
19 threatening that I was going to fire  
20 everybody.

21 Q. You already told us---

22 A. I said we just don't have  
23 a merit board in place. Yeah,

## FREEDOM COURT REPORTING

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1 according to what John Hollis  
2 Jackson, the County Attorney, told  
3 me, that I did have the authority to  
4 fire, but I mean--- because this  
5 board wasn't in place.

6 Q. But you already told us  
7 you didn't go back to the Commission  
8 and discuss it. You already told us  
9 you didn't go back to the County  
10 Attorney and discuss it. What you  
11 ended up doing was you told Shane  
12 Fulmer at least on one occasion that  
13 there was no merit board and you  
14 could fire him if you wanted to,  
15 correct?

16 MR. SHEEHAN: Object to  
17 the form.

18 A. Correct.

19 Q. And you told Robbie  
20 Autery that there's no merit board  
21 and you could fire him if you wanted  
22 to, correct?

23 MR. SHEEHAN: Object to

FREEDOM COURT REPORTING

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1 A. Now? No.

2 Q. Now you wouldn't?

3 A. No.

4 Q. You would want the  
5 sheriff to come in and do whatever he  
6 wanted to and fire you?

7 A. It's better than this  
8 bill.

9 Q. You wouldn't want--- if  
10 you were a sheriff's deputy, you  
11 wouldn't want any protection of  
12 somebody new coming in and firing  
13 you?

14 A. Not if this is the way it  
15 is.

16 Q. Well, the way this is, is  
17 it ensures that there's due process,  
18 that you can't just randomly fire  
19 people, correct?

20 MR. SHEEHAN: Object to  
21 the form.

22 A. If this is in place.

23 Q. And to you that's a bad

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1 thing, right?

2 MR. SHEEHAN: Object to  
3 the form.

4 A. No, I don't think it's a  
5 bad thing. I made a stance all along  
6 that I don't think someone just  
7 should just come in and fire. But at  
8 the same time, I don't think that a  
9 merit board dictating to the Sheriff  
10 how to run his department is a good  
11 thing. Because like I said, the  
12 liability and the responsibility to  
13 the County and the people of the  
14 County is not going to fall back on  
15 these members of this board. It's  
16 going to fall back on the Sheriff.

17 Q. Why do you say that?

18 A. It's obvious. The  
19 deputies are an arm of the Sheriff's  
20 Office and me. And when it comes to  
21 liability or responsibility or what  
22 the County requires us to do, then  
23 this board is not going to be the one

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1 held liable for it. It's going to be  
2 me. So why should I be trying to  
3 direct and send my department in a  
4 direction because somebody don't like  
5 it they look at me and say I don't  
6 have to do it because I got a merit  
7 board.

8 Q. So it's your opinion that  
9 if that merit bill or merit board is  
10 in place, that deputies can just say,  
11 I don't have to do what you tell me.

12 A. Yes, sir.

13 Q. And why is that?

14 A. Because that's some of  
15 the attitudes that people have.

16 Q. Well, who has had that  
17 attitude?

18 A. Just deputies feel like  
19 that they can, you know, before you  
20 can do anything or take any actions  
21 or do anything, that you got to---  
22 you've got to have it approved and  
23 done by this board before you do

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1 didn't have--- you didn't know of any  
2 reason that would allow you from---  
3 to refuse to appoint somebody,  
4 correct?

5 MR. SHEEHAN: Object to  
6 the form.

7 A. Before the lawsuit--- ask  
8 that again.

9 Q. Before the lawsuit---  
10 well, strike that.

11 Let me ask it this way:  
12 If Plaintiff's Exhibit No. 1 is  
13 constitutional, would you agree that  
14 you violated the merit board when you  
15 fired Shane Fulmer? The merit bill,  
16 when you fired Shane Fulmer.

17 MR. SHEEHAN: Object to  
18 the form.

19 A. No. I wouldn't say that.

20 Q. All right. Tell me how  
21 you didn't violate the merit bill  
22 when you fired Shane Fulmer.

23 A. Because there was not a

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1 board in place.

2 Q. Tell me how you didn't  
3 violate the merit bill when you fired  
4 Robbie Autery.

5 A. Because the merit board  
6 wasn't in place.

7 Q. But that was you not  
8 putting somebody on the merit board,  
9 correct? As one of the bodies not  
10 putting somebody on the merit board,  
11 correct?

12 MR. SHEEHAN: Object to  
13 the form of the question.

14 A. That was based on mine  
15 and Mr. Jackson's conversation saying  
16 until that board is put in place,  
17 then there's not a merit system for  
18 Chilton County.

19 Q. And you understood it at  
20 that point, hey, I don't have to  
21 follow this piece of legislation  
22 until I do something to effectuate  
23 the board, correct?

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1 A. I don't know if I am.

2 Q. You don't know?

3 A. I never studied the  
4 website, to be honest. She ain't had  
5 the website out but a short period of  
6 time.

7 Q. Who puts it up; she does?

8 A. She did.

9 Q. She did it from scratch?

10 A. Right.

11 Q. Did anybody tell you that  
12 Robbie Autery was out there  
13 badmouthing you on the street?

14 A. I don't remember hearing  
15 a whole lot as far as Robbie  
16 badmouthing me on the street. Just  
17 from officers is all.

18 Q. Who did you hear from?

19 A. I heard from--- from  
20 Captain Tate.

21 Q. What did Captain Tate  
22 tell you that Robbie Autery was out  
23 there badmouthing you about?

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1           A.       The biggest thing that  
2       Robbie had was over the Interstate  
3       deal. And then later on over--- over  
4       his car.

5           Q.       So Captain Tate told you  
6       that Robbie said he was upset about  
7       it?

8           A.       Right.

9           Q.       Robbie had told you he  
10      was upset about those two issues  
11      himself; didn't he?

12          A.       Right.

13          Q.       Who else told you that  
14      Robbie Autery was out there  
15      badmouthing you?

16          A.       Eric Smitherman had  
17      mentioned it. Mike Poe.

18          Q.       What did Eric Smitherman  
19      tell you that Robbie Autery had said  
20      about you?

21          A.       He just said that Robbie  
22      was upset and mad because he didn't  
23      get to stay on the Interstate and

## FREEDOM COURT REPORTING

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1 work the Interstate like he, you  
2 know, he liked, and he didn't like  
3 working the areas, just like Robbie  
4 said earlier. And, you know, he  
5 just--- that he didn't like the way  
6 things I was doing in the Sheriff's  
7 Office.

8 Q. Now, are you saying that  
9 your employees shouldn't be able to  
10 voice to other employees if they're  
11 not happy about an issue, such as the  
12 car?

13 A. Not--- I don't think  
14 they should.

15 Q. So if they're unhappy  
16 about some issue, for example, the  
17 patrol car, they should just keep  
18 their mouth shut and go on?

19 A. Well, for the two  
20 sheriffs I worked for, I mean the  
21 sheriffs got to make decisions in the  
22 direction he wants the department to  
23 go in. And, you know, us as deputies

## FREEDOM COURT REPORTING

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1 had to go in that direction. And I  
2 don't think what happened was--- just  
3 because we don't like the decisions  
4 that's made, we can't keep morale  
5 beat down and knocked down and try to  
6 get other people to go in that  
7 direction with us.

8 Q. You're not saying Robbie  
9 Autery beat down morale because he  
10 complained about the car issue and  
11 the Interstate interdiction; are you?

12 A. Yes, sir.

13 Q. He was able to beat down  
14 the entire Chilton County Sheriff's  
15 Department morale complaining about  
16 these two issues?

17 A. I'm not saying he beat  
18 down the whole Chilton County  
19 Sheriff's Department. I said it  
20 affected the morale in the  
21 department.

22 Q. Wasn't there other people  
23 complaining besides Robbie Autery and

FREEDOM COURT REPORTING

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1 remember folks saying that Robbie  
2 complained about; Interstate, the car  
3 and the zones, correct?

4 A. To my knowledge.

5 Q. What about Shane Fulmer;  
6 who came to you and said Shane Fulmer  
7 was out there badmouthing you?

8 A. Mike Poe.

9 Q. What did Mike Poe say  
10 that Shane was out there talking  
11 about?

12 A. Shane just said--- it was  
13 the same morale issues, saying that  
14 the department, you know, is going  
15 to, you know, just going down the  
16 drain, that, you know, I was going to  
17 shut the Task Force down because it  
18 was something that Sheriff Fulmer  
19 started and I was, you know, against  
20 it.

21 Q. Does the Task Force still  
22 exist?

23 A. Yes, sir.

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1 Q. Has it been reduced in  
2 number? Has the---

3 MR. SHEEHAN: Do you want  
4 him to answer the question?

5 MR. YAGHMAI: I'm trying  
6 to ask the question.

7 MR. SHEEHAN: I just want  
8 the record to be clear that you  
9 interrupted him.

10 MR. YAGHMAI: The only  
11 person interrupting is you. I'm  
12 trying to get through this. I didn't  
13 interrupt you when you were  
14 questioning.

15 MR. SHEEHAN: Object to  
16 the form.

17 MR. YAGHMAI: Great.  
18 Object to the form.

19 Q. Mike Poe came to you on  
20 how many occasions about Shane Fulmer  
21 out there supposedly badmouthing you?

22 A. Half a dozen, at least.

23 Q. Did anybody come to you

## FREEDOM COURT REPORTING

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1 and tell you Mike Poe is out there  
2 complaining about the way that the  
3 department was being run when you  
4 took over?

5 A. Not that I recall.

6 Q. Has anybody else told you  
7 that anybody other than Robbie or  
8 Shane was out there complaining about  
9 things?

10 A. When I first come into  
11 the office, everybody had a general  
12 concern. I knew that. Anytime a new  
13 sheriff comes into office, there was  
14 a concern about what's going to be  
15 different, what's going to be  
16 changed, you know.

17 Q. On the Task Force, how  
18 much has it been reduced since you  
19 took over as the Sheriff?

20 A. I don't know that it has  
21 been reduced. I don't know how many  
22 was on it prior to me being there. I  
23 mean I know some people had one job

## FREEDOM COURT REPORTING

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1 but they assisted with the Task Force  
2 and, you know, different things. So  
3 I don't know how much, you know.

4 Q. Other than Mike Poe, who  
5 came to you about Shane Fulmer  
6 supposedly badmouthing you?

7 A. Chief Mayfield.

8 Q. What did Chief Mayfield  
9 tell you?

10 A. We can't do nothing with  
11 morale because Shane comes into---  
12 and he was over Investigations and  
13 investigators. All they want to do  
14 is their job, and Shane wants to come  
15 in every day setting off things and  
16 complaining about the Sheriff.

17 Q. When did Mayfield come to  
18 tell you that?

19 A. Several different  
20 occasions over the course of the  
21 early part of '07.

22 Q. Did you ever go to Shane  
23 and say, look, people are complaining

FREEDOM COURT REPORTING

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1 Q. Who else besides  
2 Mayfield?

3 A. Well, Mr. Caton said, you  
4 know, he come to me about the meeting  
5 that they had.

6 Q. About the merit bill?

7 A. Right.

8 Q. What did Caton tell you?

9 A. He said that Shane was  
10 just complaining that what all was  
11 going on in the department and  
12 griping that he had worked hard, you  
13 know, and he was being done wrong,  
14 and, you know, just on and on about  
15 how I was tearing down the Sheriff's  
16 Office.

17 Q. And you had a problem  
18 with him going to Caton to express  
19 his own personal feelings on his off  
20 time?

21 MR. SHEEHAN: Object to  
22 the form.

23 A. Well, a deputy is 24

# **EXHIBIT**

## **E**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROBBIE AUTERY and SHANE  
FULMER,

Plaintiffs,

v.

KEVIN DAVIS, in his official capacity  
as Sheriff of Chilton County, Alabama,  
and individually,

Defendant.

CIVIL ACTION NO.:  
2:08-CV-41-WC

AFFIDAVIT OF MICHAEL POE

Before me, the undersigned authority, on this day personally appeared Michael Poe, who being by me first duly sworn, deposed and stated upon his oath the following:

1. My name is Michael Poe. I am over the age of 21 years, and I have personal knowledge of the information contained in this Affidavit.
2. At all material times hereto, I was a Sergeant in the Investigations Unit of the Office of the Chilton County Sheriff.
3. Shane Fulmer was my supervisor for approximately 6 (six) months after Sheriff Kevin Davis took office in January of 2007. At that time, the Investigations Unit consisted of myself, Lieutenant John Shearon and Captain Shane Fulmer.
4. During the time that Shane Fulmer was my supervisor, Captain Fulmer was not carrying his weight in terms of actively working cases. I reported to Sheriff Kevin Davis and Chief Deputy Mayfield on approximately three to four different occasions that Captain Shane

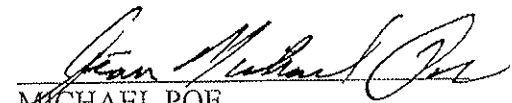


Fulmer was not doing his share of the work and that the Investigations Unit needed someone who would investigate and assist with the case work.

5. Captain Shane Fulmer's comments about Sheriff Kevin Davis were also a constant source of disruption in the Investigations Unit. On at least 15 different occasions, Captain Shane Fulmer came into my office and voiced his belief that Sheriff Davis did not know what he was doing as sheriff, and even went as far as calling Sheriff Davis a "dumbass" during several conversations.

6. Captain Shane Fulmer's conduct created a hostile and tense working environment and there were many times that I felt uncomfortable working with and under Captain Fulmer. Captain Fulmer's complaining about Sheriff Kevin Davis inhibited our Unit's ability to operate efficiently and productively.

7. Captain Shane Fulmer's comments about Sheriff Davis were not constructive in nature, nor were they aimed at improving the Investigations Unit. Rather, Captain Fulmer's comments were a personal attack on Sheriff Kevin Davis and the way he operated the Office of Sheriff of Chilton County.

  
MICHAEL POE

STATE OF ALABAMA           )  
  )  
CHILTON COUNTY            )

SWORN TO and SUBSCRIBED before me on this the 28<sup>TH</sup> day of May, 2008.

  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

# **EXHIBIT**

## **F**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROBBIE AUTERY and SHANE  
FULMER,

Plaintiffs,

v.

KEVIN DAVIS, in his official capacity  
as Sheriff of Chilton County, Alabama,  
and individually,

Defendant.

CIVIL ACTION NO.:  
2:08-CV-41-WC

AFFIDAVIT OF STEVE W. TATE

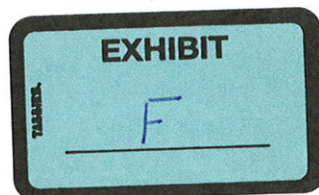
Before me, the undersigned authority, on this day personally appeared Steve Tate, who being by me first duly sworn, deposed and stated upon his oath the following:

1. My name is Steve Tate. I am over the age of 21 years, and I have personal knowledge of the information contained in this Affidavit.

2. At all material times hereto, I was a Captain in the Office of the Sheriff of Chilton County and served as the Supervisor over the Patrol Unit.

3. Ever since Sheriff Kevin Davis defeated Billy Wayne Fulmer in the 2006 election, Captain Shane Fulmer's complaints about Sheriff Davis were a continuous disruption in our unit. After Captain Fulmer was transferred to Courthouse security duty, Captain Fulmer voiced his displeasure with his job situation to me approximately 5-6 times.

4. On one particular trip to Talladega, Al, Captain Shane Fulmer continued to complain about his job duties. Upon returning to Clanton, I reported this conversation to Sheriff Kevin Davis. I told Sheriff Davis that Captain Fulmer's conduct was creating such a disruption that it



was destroying the morale in the office. I informed Sheriff Kevin Davis that there were loyalty issues among the deputies, some still supporting former Sheriff Billy Wayne Fulmer. If the problem was not resolved, a deputy could be injured if a request for backup assistance was ignored by a fellow deputy.

5. I was present in Sheriff Davis' office when Captain Shane Fulmer was relieved of his duties. On that occasion, Sheriff Davis asked Captain Fulmer several times what could be done to resolve the problems between them. Sheriff Davis also attempted to address the reports that Captain Fulmer had been voicing displeasure with his job duties and the way the office was being run by Sheriff Davis. During this conference, Captain Fulmer dodged many of Sheriff Davis' questions and blatantly refused to answer other questions asked by Sheriff Davis. At the conclusion of the meeting, Sheriff Davis asked Captain Shane Fulmer to turn in his badge.

  
STEVE W. TATE

STATE OF ALABAMA           )  
  )  
CHILTON COUNTY            )

SWORN TO and SUBSCRIBED before me on this the 28<sup>th</sup> day of May, 2008.

  
NOTARY PUBLIC  
My Commission Expires: 9/22/08

(SEAL)

# **EXHIBIT**

# **G**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROBBIE AUTERY and SHANE FULMER

Plaintiffs,

v.

KEVIN DAVIS in his official capacity  
as Sheriff of Chilton County, Alabama,  
and individually

Defendant.

CIVIL CASE No. 2:08-CV-41-WC

AFFIDAVIT OF GREG PAPPAS

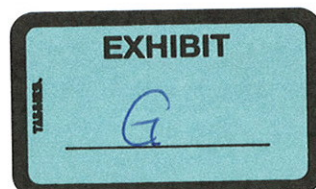
Before me, the undersigned authority, on this day personally appeared Greg Pappas, who being by me first duly sworn, deposed and stated upon his oath the following:

My name is Greg Pappas. I am over the age of 21 years, and I have personal knowledge of the information contained in this Affidavit.

I was elected Clerk of the State of Alabama House of Representatives in May of 1991. At all material times hereto, I am and have been the Clerk of the Alabama House of Representatives.

I have reviewed HB69 and the Publisher's Certificate of Publication from the Clanton Advertiser, which was presented to me as the Clerk of the Alabama House of Representatives. The Certificate states that the proposed bill was advertised on 6/3/01, 6/10/01, 6/17/01 and 6/24/01.

The Second Special Session of the 2001 Alabama Legislature met from June 25, 2001 to July 2, 2001.



The Third Special Session of the 2001 Alabama Legislature met from August 28, 2001 through September 19, 2001.

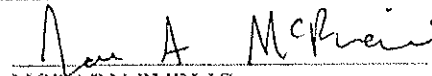
The Fourth Special Session of the 2001 Alabama Legislature met from December 4, 2001 through December 21, 2001.

House Bill 69 was not introduced in the first Session of the Legislature of Alabama commencing after the fourth consecutive week of publication of the notice as stated in the notice published in the Chilton County newspaper

  
\_\_\_\_\_  
GREG PAPPAS  
Clerk, Alabama House of Representatives

STATE OF ALABAMA            )  
  )  
MONTGOMERY COUNTY        )

SWORN TO and SUBSCRIBED before me on this the 4<sup>th</sup> day of April, 2008.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 10/5/10

(SEAL)

# **EXHIBIT**

## **H**

# Publisher's Certificate of Publication

The State of Alabama  
Chilton County

A True Copy  
Appears Below:

Personally appeared before the undersigned Notary Public in and for said county and state. Michael R. Kelley, Publisher of The Clanton Advertiser, a newspaper published at Clanton, County of Chilton, State of Alabama, who, being duly sworn, states on oath that the advertisement, a true copy of which hereto attached, was published in said newspaper in the issues of:

3 day of June, 2001  
10 day of June, 2001  
17 day of June, 2001  
24 day of June, 2001  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

*Michael R. Kelley*

Publisher, The Clanton Advertiser

Sworn to and subscribed before me this

25 day of June, 2001

*Gregg B. Kelley*

Notary Public, State of Alabama at  
Large My Commission expires 3-15-03

Notice is hereby given that a bill substantially as follows will be introduced in the first session of the Legislature of Alabama commencing after the fourth consecutive week of publication of this notice, and application for its passage and enactment will be made:

**A BILL TO BE ENTITLED AN ACT**  
Relating to Chilton County, providing for a civil service merit system for certain employees of the office of the sheriff.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. As used in this act the following words have the following meanings:

(a) **BOARD.** The merit system board created by this act.

(b) **COUNTY.** Chilton County.

(c) **EMPLOYEE.** Any law enforcement officer, radio operator, jailer, and law enforcement support personnel, not excepted by Section 3 of this act, who is employed by the sheriff.

(d) **MERIT EMPLOYEE.** Any employee who shall have completed one year of probationary employment.

Section 3. This act applies to all law enforcement officials and employees employed by the Office of Sheriff of Chilton County except the chief deputy.

Section 4. All employees to whom this act applies shall be governing, dismissals, suspensions, lay-offs, terminations, adopted and administered by the board. Presently employed persons shall remain in their respective employments, but nothing herein shall be construed to prevent or preclude the removal of an employee for cause as provided herein.

Section 5. (a) There is created a merit system board for the Office of the Sheriff of Chilton County, which shall become effective upon passage of this act and shall be composed of three members appointed as follows:

(1) One member appointed by the Chilton County Commission.

(2) One member appointed by the Chilton County Sheriff.

(3) One member appointed by agreement of the Chilton County Commission and the Chilton County Sheriff.

(b) The original members shall serve for terms of one, two, and four years, as determined by the drawing of lots. Thereafter, all members shall serve for a period of four years. No person shall be appointed to the board unless he or she is a resident and qualified elector of Chilton County and over the age of 21 years.

(c) Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled for the unexpired term of the vacant position in the same manner as original appointments. The members of the board shall elect a chair and secretary from among their members. Any member of the board who becomes a candidate for, or is elected or appointed to, another public office of profit must vacate his or her office as a member of the board. No board member shall be an elected official, appointed employee, or employee of the county or any municipal government.

(d) Each member of the

EXHIBIT

H

board shall serve without pay.

Section 6. (a) The board shall fix the times for its regular meetings and it may hold special, adjourned, or called meetings at any time. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the Chilton County Courthouse. The board may prescribe rules governing its procedure, provided the rules are not inconsistent with this act.

(b) The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the county at all reasonable times.

Section 7. The Chilton County Commission shall provide the board with materials and secretarial help when needed during meetings and shall assign an area from time to time for the board meetings. It shall also provide filing cabinets and storage space for the board and shall pay all expenses incurred by the board from the general fund of the county when a claim therefor is submitted and approved by the Chilton

County Commission. Section 8. All appointments of employees to which this act applies, other than temporary appointments, shall be probationary for one year from the date of appointment. A probationary employee may be discharged by the sheriff to his or her pleasure at any time before the expiration of one year from his or her appointment. After the employee has served for one year in the position to which he or she was originally appointed or employed, the employee shall become merit employee.

Section 9. Whenever a new sheriff is elected or appointed, he or she may appoint any person as his or her chief deputy sheriff, provided the person meets the minimum standards for law enforcement officers as prescribed by the general laws of the state. The person holding the position of chief deputy sheriff immediately preceding the appointment of a chief deputy may be terminated without benefit of the provisions of this act.

Section 10. The Sheriff may suspend without pay a merit employee for

any personal misconduct or fact affecting or concerning his or her fitness or ability to perform his or her duties in the public interest. In the event a merit employee is suspended without pay for more than 10 days in any one year, he or she shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the board determines that the action of the appointing authority was not with good cause, the suspension shall be revoked.

Section 11. (a) The Sheriff may remove, discharge or demote any merit employee who is directly under the sheriff, provided that within five days a report in writing of the action is made to the board, giving the reason for the removal, discharge, or demotion. The employee shall have 10 days which to appeal to the board from the time of his or her notification of removal, discharge, or demotion. If an appeal is filed, the board shall thereupon order the charges or complaint to be filed forthwith in writing, if not already filed, and shall hold a hearing de novo on the charges. No merit employee shall be removed, discharge, or demoted, except for some personal misconduct or fact rendering his

or her further tenure harmful to the public interest, or for some cause affecting or concerning his or her fitness or ability. If the employee's removal, discharge, or demotion is appealed to the board, then the same will become final only upon affirmation by the board after a hearing where the employee has been given an opportunity to face his or her accusers and be heard in his or her own defense. Pending a hearing, the affected employee may be suspended and after the hearing the board may order the employee reinstated, demoted, removed, discharged, or suspended or take any other disciplinary action as in their judgment is warranted by the evidence and under the law. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case and shall include the board's findings of facts upon which its decision is based.

(b) The board may administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production

of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The sheriff or some other law enforcement officer of the county shall serve all processes of the board. In the case a person refused to obey a subpoena, the board may invoke the aid of the Circuit Court of Chilton County, to order that the testimony or evidence be produced. Upon proper showing, the court shall issue an subpoena or order requiring the person to appear before the board and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey a subpoena or order may be punished by the court for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the Circuit Court of Chilton County, and the fees shall be paid from the treasury of the county in a case involving an employee of the sheriff's department.

(c) In all proceedings before the board, the board may employ an attorney to appear before the board and prosecute all charges instituted by the sheriff when requested or directed to do so and to give any legal advice and legal assistance to the board as may be requested. The county attorney of Chilton County or the attorney for the attorney

for the appointing authority that is removing, discharging, demoting, or firing the employee may serve in this capacity.

(d) Any person aggrieved by the decision of the board may appeal that decision to the Circuit Court of Chilton County within 30 days from the rendition of the decision by the board. Review by the Circuit Court shall be without a jury and be confined to the record and a determination of the questions of law presented. The board's findings of fact shall be final and conclusive.

Section 12. Each employee may exercise his or her right as a citizen to express his or her opinion and to cast his or her vote. No employee shall receive any appointment or advancement as a reward for his or her support of a candidate for office of a political party nor shall he or she be dismissed, suspended, or reduced in rank or pay as punishment for his or her failure to support any candidate for political office.

Section 13. Any merit em

employee who willfully violates any provisions of this act, or any rule or regulation, issued in pursuance hereof shall be dismissed from service under the system and shall not be appointed or reemployed for two years.

Section 14. All employees to which this act applies shall be covered by the merit system one year from the effective date of this act.

Section 15. The provisions of this act are severable, if any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 16. All laws or parts of laws which conflict with this act are repealed.

Section 17. This act shall become effective upon the adoption of a local constitutional amendment to the Constitution of Alabama of 1901, relating to Chilton County and authorizing a civil service merit system for employees in the Office of Sheriff.

603 610 617 624 2001

# **EXHIBIT**

## **I**



ELECTRONICALLY FILED  
12/10/2007 4:25 PM  
CV-2007-900130.00  
CIRCUIT COURT OF  
CHILTON COUNTY, ALABAMA  
GLENN MCGRIFF, CLERK

IN THE CIRCUIT COURT OF CHILTON COUNTY, ALABAMA

ROBBIE AUTERY and SHANE  
FULMER,

Plaintiffs,

v.

KEVIN DAVIS, in his official capacity  
as Sheriff of Chilton County, Alabama  
and individually;

Defendant.

CIVIL ACTION NO.

**COMPLAINT FOR DECLARATORY JUDGMENT,  
INJUNCTIVE RELIEF, AND DAMAGES**

**I. Parties**

1. The Plaintiff, Robbie Autery ("Autery"), is an adult resident of Shelby County, Alabama and a former Deputy Sheriff in Chilton County, Alabama.

2. The Plaintiff, Shane Fulmer ("Fulmer"), is an adult resident of Chilton County, Alabama and a former Deputy Sheriff in Chilton County, Alabama.

3. Kevin Davis ("Sheriff Davis") is the duly elected Sheriff of Chilton County, Alabama, and held the office of Sheriff at all times relevant hereto.

**II. Facts**

4. On January 15, 2002, the Alabama House of Representatives passed HB69, local legislation affecting Chilton County, Alabama. The Senate passed the act on February 19, 2002, and it thereafter became law. A copy of the Act is attached hereto as Exhibit 1 and made a part hereof as if fully set out herein ("hereinafter "Act").



5. In November, 2006, Kevin Davis was elected Sheriff of Chilton County, Alabama and took office in January, 2007.

6. The Act provides for a civil service merit system for certain employees of the Office of the Sheriff of Chilton County, Alabama, said employees including the Plaintiffs in this case. Section 4 provides as follows:

All employees to whom this act applies shall be governed by merit system rules and regulations governing dismissals, suspensions, lay-offs, and terminations, adopted and administered by the board. Presently employed persons shall remain in their respective employments, but nothing herein shall be construed to prevent or preclude the removal of an employee for cause as provided herein.

7. Section 5(a) creates a merit system board for the Office of the Sheriff of Chilton County which is to become effective upon the passage of the Act and is to be composed of three members, one appointed by the Chilton County Commission, one appointed by the Chilton County Sheriff, and one appointed jointly by the Commission and the Sheriff.

8. Sheriff Davis has failed and refused since his election as Sheriff to perform the duties required of him by the Act. Sheriff Davis has failed to appoint a member of the board as required by Section 5(a)(2) and has failed to cooperate with the Chilton County Commission in jointly naming another member of the board as required by Section 5(a)(3).

9. The Plaintiffs aver that Sheriff Davis has failed and refused to make the appointments required by the Act because he desires to make personnel decisions for the Office of Sheriff without any interference by the said board or compliance with the requirements of Section 4 of the Act. On September 10, 2007, Sheriff Davis fired Shane

Fulmer and Robbie Autery. The Plaintiffs were fired by the Sheriff without cause and without compliance with the merit system rules and regulations governing dismissals and termination which were to be adopted and administered by the board.

10. Plaintiffs further aver that Sheriff Davis has taken arbitrary and adverse personnel actions in the Office of Sheriff of Chilton County affecting certain employees of the Sheriff's office intended by the Act to be protected from such actions.

11. Plaintiffs aver that unless this Court grants a declaratory judgment holding that Sheriff Davis is required by state law to appoint the board members referred to above and issuing an injunction requiring him to do so, that Sheriff Davis will continue to ignore the Act and will continue to make decisions which are adverse to those employees of the Sheriff's Department intended to be protected by the Act without compliance with the Act.

12. Plaintiffs claim damages for their wrongful termination and restoration to their former jobs with back pay and benefits as the result of their unlawful discharge and termination by Sheriff Davis.

### **III. Causes of Action**

#### **Count One**

13. Plaintiff adopts all of the allegations of this Complaint as a part of this Count One as if fully set out herein.

14. Plaintiffs pray that pursuant to Rule 57, *Alabama Rules of Civil Procedure*, the Plaintiff is entitled to a declaratory judgment declaring that Sheriff Davis is required by state

law to immediately and forthwith act on the appointment of the board members referred to above arising from the said Act.

### **Count Two**

15. Plaintiffs adopt all of the allegations of this Complaint as a part of this Count Two as if fully set out herein.

16. Plaintiffs claim that pursuant to Rule 65, *Ala. R. Civ. P.*, they are entitled to a permanent injunction ordering and requiring Sheriff Davis to immediately and forthwith act on the obligation to appoint the above-referenced board members as prescribed by Section 5 of the Act and that following the trial of this case this Court will issue such a permanent injunction.

### **Count Three**

17. Plaintiffs adopt all of the allegations of this Complaint as a part of this Count Three as if fully set out herein.

18. Plaintiffs aver that they are entitled to damages in the form of back pay and benefits for their said wrongful termination and discharge and for such other damages as the jury may determine.

Respectfully submitted,

*s/William E. Rutledge*

William E. Rutledge (RUT001)  
williamerutledge@aol.com

*s/Gregory F. Yaghmai*

Gregory F. Yaghmai (YAG001)  
yaghmai@rylaw.net

Attorneys for Plaintiffs

OF COUNSEL:

RUTLEDGE & YAGHMAI  
3800 Colonnade Parkway  
Suite 490  
Birmingham, AL 35243  
T: (205) 969-2868  
F: (205) 969-2862

**PLAINTIFFS DEMAND A TRIAL BY JURY OF ALL ISSUES TRIABLE BY  
JURY.**

s/William E. Rutledge

William E. Rutledge

PLAINTIFFS' ADDRESSES:

Robbie Autery  
158 Belvedere Place  
Alabaster, AL 35007

Shane Fulmer  
115 County Road 941  
Clanton, AL 35045

DEFENDANT'S ADDRESS:

Sheriff Kevin Davis  
Chilton County Sheriff's Department  
500 2<sup>nd</sup> Avenue North  
Room 204  
Clanton, AL 35045

**SERVE DEFENDANT BY CERTIFIED MAIL**

# EXHIBIT “1”

1 HB69  
2 39947-2  
3 By Representative Martin (N & P)  
4 RFD: Local Legislation  
5 First Read: 08-JAN-2002  
6 PFD 01/07/2002

HB69

1

2 Enrolled, An Act,

3

4

5

Relating to Chilton County; providing for a civil  
service merit system for certain employees of the office of  
the sheriff.

6

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7

8

Section 1. This act shall apply only in Chilton  
County.

9

10

Section 2. As used in this act, the following words  
have the following meanings:

11

12

(a) BOARD. The merit system board created by this  
act.

13

14

(b) COUNTY. Chilton County.

15

16

17

(c) EMPLOYEE. Any law enforcement officer, radio  
operator, jailer, and law enforcement support personnel, not  
excepted by Section 3 of this act, who is employed by the  
sheriff.

18

19

(d) MERIT EMPLOYEE. Any employee who shall have  
completed one year of probationary employment.

20

21

22

Section 3. This act applies to all law enforcement  
officials and employees employed by the Office of Sheriff of  
Chilton County except the chief deputy.

23

24

25

Section 4. All employees to whom this act applies  
shall be governed by merit system rules and regulations  
governing dismissals, suspensions, lay-offs, and terminations,

HB69

1        adopted and administered by the board. Presently employed  
2        persons shall remain in their respective employments, but  
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4        removal of an employee for cause as provided herein.

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8        composed of three members appointed as follows:

9                (1) One member appointed by the Chilton County  
10       Commission.

11               (2) One member appointed by the Chilton County  
12       Sheriff.

13               (3) One member appointed by agreement of the Chilton  
14       County Commission and the Chilton County Sheriff.

15               (b) The original members shall serve for terms of  
16       one, two, and four years, as determined by the drawing of  
17       lots. Thereafter, all members shall serve for a period of four  
18       years. No person shall be appointed to the board unless he or  
19       she is a resident and qualified elector of Chilton County and  
20       over the age of 21 years.

21               (c) Members of the board shall take the  
22       constitutional oath of office, which shall be filed in the  
23       office of the probate judge. Vacancies on the board shall be  
24       filled for the unexpired term of the vacant position in the  
25       same manner as original appointments. The members of the board

HB69

1 shall elect a chair and secretary from among their members.

2 Any member of the board who becomes a candidate for, or is  
3 elected or appointed to, another public office of profit must  
4 vacate his or her office as a member of the board. No board  
5 member shall be an elected official, appointed employee, or  
6 employee of the county or any municipal government.

7 (d). Each member of the board shall serve without  
8 pay.

9 Section 6. (a) The board shall fix the times for its  
10 regular meetings and it may hold special, adjourned, or called  
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14 Courthouse. The board may prescribe rules governing its  
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20 confidential for reasons of public policy, shall be open for  
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25 needed during meetings and shall assign an area from time to

HB69

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2 cabinets and storage space for the board and shall pay all  
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5 Chilton County Commission.

6 Section 8. All appointments of employees to which  
7 this act applies, other than temporary appointments, shall be  
8 probationary for one year from the date of appointment. A  
9 probationary employee may be discharged by the sheriff at his  
10 or her pleasure at any time before the expiration of one year  
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15 Section 9. Whenever a new sheriff is elected or  
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17 chief deputy sheriff, provided the person meets the minimum  
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23 Section 10. The sheriff may suspend, without pay, a  
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HB69

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25 has been given an opportunity to face his or her accusers and

HB69

1 be heard in his or her own defense. Pending a hearing, the  
2 affected employee may be suspended and after the hearing the  
3 board may order the employee reinstated, demoted, removed,  
4 discharged, or suspended, or take any other disciplinary  
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13 necessary as evidence in connection with any hearing,  
14 investigation, or proceeding within the purview of this act.  
15 The sheriff or some other law enforcement officer of the  
16 county shall serve all processes of the board. In the case a  
17 person refuses to obey a subpoena, the board may invoke the  
18 aid of the Circuit Court of Chilton County, to order that the  
19 testimony or evidence be produced. Upon proper showing, the  
20 court shall issue a subpoena or order requiring the person to  
21 appear before the board and produce all evidence and give all  
22 testimony relating to the matter in issue. A person who fails  
23 to obey a subpoena or order may be punished by the court for  
24 contempt. The fees of witnesses for attendance and travel  
25 shall be the same as fees for witnesses in the Circuit Court

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1 of Chilton County, and the fees shall be paid from the  
2 treasury or the county in a case involving an employee of the  
3 sheriff's department.

4 (c) In all proceedings before the board, the board  
5 may employ an attorney to appear before the board and  
6 prosecute all charges instituted by the sheriff when requested  
7 or directed to do so and to give any legal advice and legal  
8 assistance to the board as may be requested. The county  
9 attorney of Chilton County or the attorney for the appointing  
10 authority that is removing, discharging, demoting, or firing  
11 the employee may serve in this capacity.

12 (d) Any person aggrieved by a decision of the board  
13 may appeal that decision to the Circuit Court of Chilton  
14 County within 30 days from the rendition of the decision by  
15 the board. Review by the Circuit Court shall be without a jury  
16 and be confined to the record and a determination of the  
17 questions of law presented. The board's findings of fact shall  
18 be final and conclusive.

19 Section 12. Each employee may exercise his or her  
20 right as a citizen to express his or her opinion and to cast  
21 his or her vote. No employee shall receive any appointment or  
22 advancement as a reward for his or her support of a candidate  
23 for office of a political party nor shall he or she be  
24 dismissed, suspended, or reduced in rank or pay as punishment

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1 for his or her failure to support any candidate for political  
2 office.

3 Section 13. Any merit employee who willfully  
4 violates any provision of this act, or any rule or regulation  
5 issued in pursuance hereof, shall be dismissed from service  
6 under the system and shall not be appointed or reemployed for  
7 two years.

8 Section 14. All employees to which this act applies  
9 shall be covered by the merit system within one year from the  
10 effective date of this act.

11 Section 15. The provisions of this act are  
12 severable. If any part of this act is declared invalid or  
13 unconstitutional, that declaration shall not affect the part  
14 which remains.

15 Section 16. All laws or parts of laws which conflict  
16 with this act are repealed.

17 Section 17. This act shall become effective upon the  
18 adoption of a local constitutional amendment to the  
19 Constitution of Alabama of 1901, relating to Chilton County  
20 and authorizing a civil service merit system for employees in  
21 the Office of Sheriff.

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\_\_\_\_\_  
Speaker of the House of Representatives

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President and Presiding Officer of the Senate

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House of Representatives

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I hereby certify that the within Act originated in  
and was passed by the House 15-JAN-2002.

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Greg Pappas  
Clerk

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Senate

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19-FEB-2002

Passed